

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-29 are pending in the present application. Claims 1, 2, and 4 are amended. Claims 5-29 are new claims. Claims 1, 2, 15, 17, 19, 21-23, 25 and 28 are independent claims.

No Change in Scope or Substance for Claim 2

Applicant respectfully submits that the only amendment made to claim 2 is the incorporation of the original language of claim 1 directly into the claim, turning claim 2 from a dependent claim into an independent claim. No other amendments or changes of any kind have been made to claim 2.

35 U.S.C. § 102 Rejection

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 6,437,229 to Nobumoto (hereafter “Nobumoto”). Insofar as it pertains to the presently pending claims, applicant respectfully traverses this rejection.

Nobumoto teaches a music delivery system for use in “a commercial establishment which sells compact discs (CD) so that customers may listen to all songs from all the CDs available in the shop.” (Col. 1, lines 10-12). The only form of identifying music within the system that Nobumoto teaches, both for identifying music for subsequent download when it is digitized (Col. 4, lines 1-5), and for requesting music to be downloaded (Col. 4, lines 33-43), is based on a CD bar code, and not on the actual music data contained in the CD. Specifically, Nobumoto only teaches that a user a listening station must “[scan] the CD case using the bar code reader” and that “Once the bar code is read … the digitized music server database is accessed.” (Col. 4, lines 35-40). Further, with respect to music upload, Nobumoto teaches that “the operator enters a number corresponding to the CD bar code” (Col 4, lines 1-2) to identify it during digitization. Nobumoto does not teach any automated form of identifying music during upload.

With respect to independent claim 1, because Nobumoto requires an operator to enter a number associated with the CD bar code in order to identify the music for later retrieval, Nobumoto does not teach or suggest “a processor for generating the interactive procedure data from the music data every time said first terminal uploads the music data, the interactive procedure data comprising identifying information about the music data” as required by independent claim 1.

With respect to independent claim 2, because Nobumoto does not teach or suggest any way for a user to interact with a listening station other than through a bar code reader or a keyboard, Nobumoto does not does teach or suggest that “the interactive procedure data generated by said processor consists of speech-based interactive procedure data that describes a procedure for carrying out speech interaction with said second terminal” as required by independent claim 2.

With respect to claims 3 and 4, Applicant respectfully submits that these claims are allowable at least by virtue of their dependency on independent claim 2.

At least in view of the above, Applicant respectfully submits that Nobumoto is deficient in its teaching and does not anticipate the requirements of generating identifying information from the music data itself, as required by independent claim 1, nor the requirement of describing a procedure for speech interaction as required by independent claim 2. Accordingly, reconsideration of this withdrawal with respect to independent claims 1 and 2, and all claims depending therefrom, is respectfully requested.

New Claims

Applicants respectfully submit that new dependent claims 5-14 are patentable at least by virtue of their dependency on independent claim 2. Applicants respectfully submit that new claims 15-29 are patentable for at least the same reasons as set forth with respect to independent claims 1 and 2.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter, Reg. No. 29,680 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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